

**Austinburg Township, Ohio  
Zoning Commission  
Regular Meeting and Public Hearing  
July 5, 2017**

The Regular Meeting and Public Hearing of the Zoning Commission was called to order on July 5, 2017 at 7:00 PM by the Chair, Mr. Rob Lapuh. Also present were Zoning Members Ms. Wanda Lahnman, Mr. Phil Miller and Mr. Ted Seifert. Not present was Ms. Jackie Krysa, Vice-Chair. Township Trustees Jerry Burke and Byron Dutton II were present, as was Zoning Inspector John Beninato and Zoning Secretary Helen Yarbrough. Other attendees signed the attached sheet, Exhibit A.

Mr. Lapuh called for a MOTION to waive the reading of the Minutes of the previous meeting. Mr. Miller so moved. Ms. Lahnman seconded the MOTION. All voted aye. The MOTION carried.

Mr. Lapuh explained that the purpose of the Public Hearing was to discuss the request from the Austinburg Township Trustees to change the zoning text to allow medical marijuana. The Ashtabula County Planning Commission at their June meeting approved the request of the Trustees, while at the same time stating that they are neither for nor against medical marijuana.

Mr. Dutton said that the State of Ohio has written the rules to allow townships to deny having medical marijuana distributed or sold, or to have it be a permitted use. The Trustees felt it would be better to have a permitted use in Austinburg, but, if we're going to permit it, we want to be able to say where it will be grown, and where it will be distributed, particularly to keep it away from any part of a Residential district. The Planning Commission agreed with our proposal that the cultivation and processing be in our Industrial/Office Park district or in our Accommodation/Commercial district.

Mr. Burke added that the Trustees had thought that the Zoning Commission would be able to come to a decision better through the Public Hearing process, so that it can be up to the public.

Mr. Dutton affirmed that the Trustees want the public's input on the subject, and Trustees' meetings are not as effective for gaining everybody's input. We see the possibility of financial benefits to the township could be very intense, but we don't know what the final numbers would be. The income would be figured through sales tax.

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Mr. Burke said that we don't know for sure about how that will work, but there will be costs for the licenses needed to produce or distribute.

Mr. Long said that he had lost a grandson lost to drugs, lost another grandson in the military, and is not sure which side of it he's on.

Mr. Richard Magda talked about some people he personally knew who were involved in different aspects of medical marijuana and/or drugs, and he wanted to know what this meeting was about.

Mr. Seifert explained that three members of the Zoning Committee went to a seminar, studied the subject and have to make a recommendation of yes or no to the Trustees.

Mr. Joe Heyduk was concerned that this public hearing had not been made known to the community, so he put a sign up about it. He thinks medical marijuana is good, but what it brings to the township will not be good. He stated that he is not in favor of allowing it. The zoning text should be changed to make it easier for small businesses to come here.

Mr. Burke said that people who care about the community should come to a meeting and voice an opinion. They can read the legal notices in the paper to know about when hearings will be.

Ms. Sheila Arth said that not many people get the newspaper. Medical marijuana will not get someone high since that part has been removed from it; it's not a recreational marijuana. She doesn't think the proposal for buildings for growing or processing will pose any problem.

Mr. Long asked what company will hire people who smoke medical marijuana? There was some discussion about how employers and insurance companies might handle employees using it.

Mr. Magda said that this will be just a foot in the door for legalizing recreational marijuana.

There was some discussion about where more information about taxation and revenue may be found, about the fact that a lot of this law hasn't been written yet but only proposed. The State of Ohio will still have to dictate how townships can get revenue since townships can't collect income tax, only sales tax.

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Mr. Burke said if there were a facility, it would have to be determined how far would it have to be from houses, roads, etc.

Mr. Lapuh said that the most likely zones to allow it would be Accommodation/Commercial (AC) (red on the Zoning Map) for the dispensing and Industrial/Office Park (IOP) (purple on the Map) for the cultivation.

Mr. Dutton said that the State rules will not allow it within 500 feet of a park, such as the Greenway Trail. Therefore the IOP zone won't work except maybe up north in the very back. Also, there will be a 200 foot buffer recommended between such a building and a residential neighborhood.

Ms. Lahnan said we will need more education on the subject because there is still a lot unknown. Not much of the law is written yet. She was not sure about approving something coming into the township about which we don't even know what the rules will be. We will have very little to say about it and very little control over. Another concern is security since we depend on the Sheriff's department here. We don't know how that will work with the specific rules already determined for the proposed facilities' security. We will not have any say over such things as hours of operation since those rules are already set in stone. Regarding collecting taxes and additional sales tax, she found nothing that says that we can have that come back to Austinburg. The only thing she found was the Ohio Revised Code 5739.026 where county sales tax can be set for specific purposes regulated by the Commissioners. If this marijuana is for medical purposes, it's for people who are in pain and suffering, so why would we want to increase the cost for them to get the medication? As far as jobs and employment, her online research showed that a job advertised in Colorado paid \$15.00 an hour. As far as legalization goes for recreational marijuana, one of Ohio's Supreme Court Justices backs legalizing it. She thinks there is a lot the public doesn't understand or doesn't know about it. There are only a couple of medications that are FDA-approved for some types of illnesses. Medical marijuana is not FDA-approved and is not legal on the federal level. She believes these are all concerns that we should take into account when we are making our decision.

Ms. Sheila said there is a big difference a growing facility and a dispensing facility. You can't grow and dispense from same facility.

Mr. Magda asked if anyone checked on the cost factors, such as in other states where companies bought the rights to marijuana, was that for recreational or medical? It's a multimillion dollar business.

Mr. Lapuh clarified that it's an industry, not a business.

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Ms. Lahnan said we should also consider that it's a doorway to legalizing recreational marijuana. States that have legalized recreational marijuana are now having insurance rates going higher as far as accidents and driving go. The state has given us the option to allow it or to say that we don't want it.

Mr. Seifert said that while there are 26 townships in Ashtabula County that have zoning, none of them has proposed doing this. At least 1 township has said absolutely no. He wondered why that is.

Mr. Dutton said that when the cultivators were applying for license, in that application they had to say where they were hoping to locate. What was wanted was some sort of approval indicated for the proposed location. The application process is based on points, and if the hoped-for location had approved or allowed it, the applicant would get a few more points. A number of townships are interested and watching this. Politically it could be suicide to push this in some areas. If you have an area that does not want it, or an area with a major drug problem, that could be a negative.

Mr. Seifert said that the expert from Glenbeigh that we had come in to talk to us about medical marijuana said that in his opinion medical marijuana is a lead-in to other drugs. He also said that he has questions on it because the laws aren't written on many of these things, and we don't know what the possibilities are for bad publicity or negative effects on adjoining property owners. If such a facility were located in an industrial park, how would the other owners there react and would it make the surrounding properties less desirable? The new jobs would be minimum wage jobs. Would that same land be better used by an industry that pays more? There are too many things that are unknown at this time. As far as money goes, there is nothing set yet. It's all hearsay.

Mr. David McFarland expressed skepticism that our township will make any money from this.

Mr. Dutton clarified that the Trustees' desire is to dictate where this is going in the township.

Mr. Lapuh added that at present, without any restrictions, if someone buys property in the township to build a medical marijuana facility, all he has to satisfy are the state restrictions about distance from schools, parks, etc.

Mr. Seifert said that, if we require that it be in a certain zone, such as IOP, then we would have more control over the location.

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Ms. Lahnan made a MOTION not to accept the amendment suggested by the Trustees regarding medical marijuana at this time and also not allow medical marijuana in Austinburg Township.

Mr. Miller seconded the MOTION.

Roll: Ms. Lahnan, aye. Mr. Miller, aye. Mr. Seifert, aye. Mr. Lapuh, nay. The MOTION carried.

Ms. Lapuh made a MOTION to adjourn. Mr. Seifert seconded the MOTION. All voted aye. None were opposed. The MOTION carried.

The meeting was adjourned at 8:30 PM.

The next Regular Meeting of the Zoning Commission will be August 2<sup>nd</sup> at 7:00 PM.

Respectfully submitted,

Helen H. Yarbrough  
Zoning Secretary